

The board of commissioners may, by ordinance, provide by whom the notice shall be served and posted and fix the compensation for such service.

Section 1929. Report of Viewers; Plan of Improvements.—After making whatever changes are necessary, the viewers or a majority thereof shall report to the court, showing the damages and/or benefits allowed and assessed in each case, and file therewith a plan, to be secured or prepared by the viewers, showing the improvement, the properties taken, injured or destroyed, and properties benefited.

Section 1930. Notice of Filing of Report.—When the report is filed, notice thereof shall immediately be given, by publication once in the newspapers publishing the notice provided for in this article. Such notice shall state the date of filing of the report, contain a schedule of the damages allowed and benefits assessed, and shall state that, unless exceptions be filed thereto or an appeal to the court of common pleas is taken therefrom within thirty days from the date of filing, the report will be confirmed absolutely.

Section 1931. Townships to Pay Costs of Proceedings.—The cost of the proceedings, including court costs, except the compensation of the viewers, shall be paid by the township.

Section 1932. Bond of Township.—Except when in this act otherwise provided, in all cases where the parties have not agreed upon the damages claimed, or where, by reason of the absence or legal incapacity of the owner, no such agreement can be made, the township may tender sufficient security to the party entitled to damages, or to the attorney or agent of any person absent, or to the agent or officer of a corporation, or to the guardian or committee of anyone under legal incapacity.

Section 1933. Condition of Bond; Notice of Filing in Court.—The condition of the security shall be that the township shall pay or cause to be paid such amount of damages as the party shall be entitled to receive, after the same shall have been agreed upon by the parties or assessed in the manner provided for by this article. In case the party claiming damages refuses to accept the security tendered, the township shall give the party, or his agent, attorney, guardian, or committee, a written notice of the time when the same will be presented in court.

Section 1934. Filing Bond; Recovery Thereon.—If approved by the court, the security shall be filed for the benefit of those interested, and recovery may be had thereon for the amount of damages assessed. If the damages be not paid, they may be collected by execution on the judgment in the issue framed to try the

question. Upon the approval of the security, the township may proceed with the improvement.

Section 1935. Exceptions to Report of Viewers.—Within thirty days after the filing of any report, any party interested may file exceptions to the same; and the court shall confirm, modify, or change the same, or change the assessments made therein or refer it back to the same or new viewers.

Section 1936. Confirmation of Report of Viewers.—When the report is filed, the prothonotary shall mark it confirmed nisi. In case no exceptions are filed thereto, he shall enter a decree that the report is confirmed absolutely.

Section 1937. Effect of Exceptions on Confirmation of Report.—When exceptions are filed which affect the entire report, the same shall not be confirmed absolutely as to any part thereof until the exceptions have been finally disposed of. When the exceptions do not affect the entire report, the court shall confirm the assessments to which exceptions have not been taken.

Section 1938. Appeals from Confirmations after Exceptions.—Within three months after the confirmation of any report, following the filing of exceptions thereto, any party interested may appeal from the decree of the court below to the Superior or Supreme Court, as the case may be.

Section 1939. Effect of Appeals.—When any appeal is taken from the action of the court confirming any viewers' report or part thereof, if the appeal affects the entire report, it shall have the effect of suspending the absolute confirmation thereof until the appeal is finally disposed of, but where the appeal is to matters which do not affect the entire report, or any other assessment, such appeal shall affect only the particular assessment for which the appeal is taken.

Section 1940. Filing Assignments of Error, Et Cetera.—In order to determine whether any appeal affects the entire report, or any particular assessment, the appellant shall file in the court below, before or at the time of filing his writ of certiorari, a copy of his specifications or assignments of error or grounds of appeal. Upon failure so to do, the township or any party interested may, by notice or rule upon the appellant, cause such specifications, assignments of error, or grounds of appeal to be filed.

Section 1941. Certificate of Judge of the Court Below.—Upon the request of the township, or any party interested, the court below, or any judge thereof in vacation, shall certify whether the appeal affects the entire report, and said certificate shall be conclusive. Where the court or judge certifies that the appeal will affect the entire report, no further proceedings shall be taken in the court below until after the final action of

the appellate court, but where the court or judge certifies that the appeal will affect only a particular assessment, then the confirmation of all other assessments shall be final.

Section 1942. Effect of Affirmation of Decree of Court Below.—If, on any appeal, the action of the court below is affirmed, the date of the decree of judgment of the appellate court shall be taken as the day on which the report was finally confirmed.

Section 1943. Consolidation of Appeals.—Where any appeal is taken to the Supreme Court, and an appeal is also taken to the Superior Court, and the appeals in both cases are substantially the same, the Superior Court may certify such appeal to the Supreme Court to be heard with the other appeals from the same report.

The Supreme Court shall consolidate all such appeals and hear them as one case. Where several appeals are taken from the confirmation of the same report, either to the Superior or Supreme Court, and the grounds of appeal are similar, the appellate court may consolidate the appeals.

Section 1944. Appellants may Unite in Appeals; Effect Thereof.—Several parties may unite in a single appeal, either to the Superior or Supreme Court, where the grounds of appeal are similar, but the uniting of the appellants shall not unite the amounts or change the jurisdiction. When the appeal, if taken by each appellant singly, would be to the Superior Court, then the appeal shall be to that court, but, if the appeal of any one appellant would be to the Supreme Court, then the joint appeal shall be to that court. If an appeal has been taken to the Supreme Court, any other party, without regard to the amount involved, if the grounds of appeal are similar, may appeal to the same court and join in such appeal.

Section 1945. Appeals from Reports of Viewers for Jury Trial.—Within thirty days after any report of viewers is filed in court, any party whose property is taken, injured or destroyed, or who is assessed benefits, may appeal to the court of common pleas and demand a trial by jury. Where an appeal is so taken as to a portion of the report, the portion not appealed from shall be confirmed absolutely at the expiration of thirty days after the report is filed in court.

Section 1946. Reasons for Appeals to be Stated.—The appeal, as provided in the last preceding section, shall state the grounds upon which it is taken, and shall be signed by the appellant, or by his agent or attorney, and shall be accompanied by an affidavit that it is not taken for the purpose of delay, but because the appellant believes that injustice has been done.

Section 1947. Costs.—Upon the trial of any such appeal, in case the party appellant does not obtain a ver-

dict more favorable than was the report of the viewers as finally confirmed, the appellant shall not recover any costs.

Section 1948. Notices; Appeals from the Court Below.—The court of common pleas shall order what notices shall be given in connection with such proceedings, and may, by rule or otherwise, prescribe the form of pleadings. After verdict and final judgment, either party may, within three months, appeal to the Superior or Supreme Court.

Section 1949. Appeals to the Wrong Court.—Should any appeal under this article be made to the wrong court, such court shall certify the appeal to the court to which it should have been taken.

Section 1950. Appeals not to Prevent Filing Liens.—No appeal taken under this article shall prevent the filing of liens by any township for any assessment made by any such report, but, upon the final termination of the issue, the court shall make such order as to the lien filed as shall appear right and proper.

Section 1951. Discontinuance of Proceedings.—If any township shall repeal any ordinance, or discontinue any proceeding, providing for any improvements, prior to the entry upon, taking, or injury to any property or materials, the township shall not be liable to pay any damages which have been assessed, but all costs upon any such proceedings shall be paid by the township, together with any actual damage sustained by reason of such proceeding.

Section 1952. Assessments to Bear Interest.—All assessments for benefits, costs, and expenses shall bear interest at the expiration of thirty days after they shall have been finally ascertained, and shall be payable to the treasurer of the township.

Section 1953. Damages to Bear Interest.—The amount of damages allowed in a report of viewers for the taking, injury or destruction of property by the exercise of the right of eminent domain shall, as finally confirmed, bear interest at the rate of six per centum per annum from the date of the confirmation nisi of the report.

ARTICLE XX

ROADS, STREETS AND HIGHWAYS

(a) Plans of Streets

Section 2001. Every township shall have a general plan of its streets and alleys, including those which have been or may be laid out but not opened. Such plan shall be filed in the office of the engineer or other proper officer of the township, and all subdivisions of property thereafter made shall conform thereto. No streets or alleys, or parts thereof, laid out or accepted and confirmed on such plan, shall afterwards be altered with-

out the consent of the commissioners of the township. No person shall be entitled to recover any damages for any improvements placed or constructed within the lines of any street or alley after the same has been located or ordained on the plan provided for by this section.

(b) Laying Out, Opening, Widening, Straightening, Vacating and Relaying Roads, Et Cetera; Repairs and Detours

Section 2005. Power to Lay Out, Open, Widen, Vacate, Et Cetera.—The board of township commissioners may enact, ordain, survey, lay out, open, widen, straighten, vacate, and relay all roads, streets, lanes and alleys, and parts thereof, which are wholly within the township, upon the petition of a majority in interest of the owners of property or properties through whose land such road, street, lane or alley passes, or upon whose land it abuts, or without petition of the owners of abutting property if, in the judgment of the board of commissioners, it is necessary for the public convenience. Such power shall include authority to vacate in whole or in part roads, streets, lanes and alleys laid out by the Commonwealth where the same have remained unopened for a period of thirty years; and also the authority to lay out and open a public road which will be a continuation or extension of a street already opened by an adjacent city or borough.

Section 2006. Burial Grounds, Et Cetera, Saved.—No such road, street, lane or alley shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship, or as a public or parochial school or educational or charitable institution or seminary, unless the consent of the owner or corporation or person controlling the premises is first secured.

Section 2007. Notice of Hearing.—The board of commissioners shall give ten days' notice to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard. Witnesses may be summoned and examined by the board and by the parties interested at such meeting or any adjournment thereof.

Section 2008. Draft; Report.—After such hearing and a consideration of the matter, should the board of commissioners, or a majority thereof, decide in favor of exercising the power so conferred, they shall make written report, together with a draft or survey of the road, street, lane or alley, fixing the width thereof and noting the improvements along the line thereof, and the names of the owners of property through which the same shall pass or whereon it shall abut. Such report

and draft shall be filed in the office of the clerk of the court of quarter sessions.

Section 2009. Exceptions to Report.—Any citizen or freeholder of the township may, within thirty days after the filing of the report of the board of commissioners, upon entering in the court sufficient surety to indemnify the board for all costs incurred in the proceedings, file exceptions to the report, together with a petition for a review.

Section 2010. Appointment of Viewers.—Upon favorable action on such matter by the board of commissioners, and after the expiration of the term allowed for filing exceptions, or upon the order of the court upon the disposition of any exceptions, if in either case the compensation for the damages or benefits accruing therefrom have not been agreed upon, the court of common pleas, or any law judge thereof in vacation, on application by petition by the board of commissioners or any person interested, shall appoint three viewers, from the county board of viewers, to assess the damages and benefits occasioned by the proceeding in the manner provided by this act for such proceedings.

Section 2011. Notices to be Posted along Improvement.—After the passage or approval of any ordinance by the board of commissioners, for the opening, widening, straightening, extending, or vacating any road, street, or alley, notice shall, within ten days thereafter, be given by handbills posted in conspicuous places along the line of the proposed improvement. Such notice shall state the fact of the passage or approval of the ordinance, and the date of the passage or approval.

Section 2012. Width of Public Roads.—The width of a public road in townships of the first class shall not be less than thirty-three feet or more than one hundred and twenty feet: Provided, That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills, when the limits of the road and the extra width required for such slopes exceed the limits of width herein specified.

Section 2013. Opening and Repairing Roads.—Public roads or highways laid out by lawful authority in townships shall, as soon as may be practicable, be effectually opened and constantly kept in repair. All public roads or highways shall, at all seasons, be kept reasonably clear of all impediments to easy and convenient traveling, at the expense of the township.

Whenever proceedings have been heretofore or may hereafter be begun for the opening and laying out of any public road in any township, such public road shall be physically opened upon the ground for use by the public within the period of five years next after the completion of such proceedings, and if not so opened,